

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF	<i>United States of America</i>	COURT CASE NUMBER	<i>04-11214-PBS</i>
DEFENDANT	<i>Juan H. Morillo</i>	TYPE OF PROCESS	<i>Summons &amp; Complaint</i>
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <b>→ Juan Morillo</b>		
AT	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <b>475 Columbia Road, Apt. 5, Dorchester, MA 02125</b>		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		Number of process to be served with this Form - 285	1
<input checked="" type="checkbox"/> <i>Nancy M. Rojas Financial Litigation Unit U.S. Attorney's Office One Court House Way Boston, MA 02210</i>		Number of parties to be served in this case	1
		Check for service on U.S.A.	1

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold MASS → 8/15/60  
DCIC 535776137

*Please make serve prior to September 4, 2004*

*SC 098706053*

Signature of Attorney or other Originator requesting service on behalf of:

PLAINTIFF  
 DEFENDANT

TELEPHONE NUMBER

*617-748-3888*

DATE  
*6/4/04*

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <i>1</i>	District of Origin No. <i>38</i>	District to Serve No. <i>38</i>	Signature of Authorized USMS Deputy or Clerk <i>Nancy Jaleman</i>	Date <i>6/7/04</i>
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service  
*6/7/04* Time  
*12:00 pm*

Signature of U.S. Marshal or Deputy  
*John Pawson*

Service Fee <i>\$45</i>	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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## REMARKS:

*6/10/04/24 End. 8/14/04 checks w/ Mahoney property Agnmt  
don't show any Morillo in their history  
RWS JAM  
Mass 1c  
etp 8/15/04*

AO 440 (Rev. 10/93) Summons in a Civil Action

# United States District Court

DISTRICT OF \_\_\_\_\_

UNITED STATES OF AMERICA

## SUMMONS IN A CIVIL CASE

v.

CASE NUMBER:

JUAN U. MORILLO

04-11214-PBS

TO: (Name and address of defendant)

Juan U. Morillo  
475 Columbia Road, Apt. 5  
Dorchester, MA 02125

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Christopher R. Donato  
Assistant United States Attorney  
United States Attorney's Office  
1 Courthouse Way, Suite 9200  
Boston, MA 02210

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

JOHN ANASTAS

*Pat Russo*

(BY) DEPUTY CLERK

DATE

6-1-04

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSFILED  
IN CLERKS OFFICE

2004 JUN -4 P 1:13

U.S. DISTRICT COURT  
DISTRICT OF MASS.

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) Court No.  
JUAN U. MORILLO, )  
Defendant. )

04CV11214-PBS

**COMPLAINT**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, states as its complaint that:

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. § 1345.
2. The defendant, Juan U. Morillo (hereinafter "Morillo"), resides in the District of Massachusetts at 475 Columbia Road, Apt. 5, Dorchester, MA 02125.
3. Morillo is indebted to the United States in the principal amount of \$130,823.18 plus interest computed at the rate of 4.0 percent per annum for a total amount of \$131,898.45 as of May 7, 2004. Thereafter, interest on the principal amount will accrue at the rate of 4.0 percent per annum until the date of judgment. See Exhibit "A" attached hereto and incorporated herein.
4. Morillo has failed to repay the aforesaid sum although demand has been duly made.

WHEREFORE, the United States demands judgment against Morillo in the principal amount of \$130,823.18; plus interest in the amount of \$1,075.27; plus interest on this principal at an annual rate of 4.0 percent per annum until the date of judgment. The United States further demands, pursuant to 28 U.S.C. § 1961, that interest on the judgment accrue at the legal rate until paid in full.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorneys

MICHAEL J. SULLIVAN  
United States Attorney

By:



CHRISTOPHER R. DONATO  
Assistant U.S. Attorney  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3328

Dated: June 4, 2004



## DEPARTMENT OF HEALTH &amp; HUMAN SERVICES

Program Support Center

Rockville MD 20857

MAY 21 2004

CERTIFICATE OF INDEBTEDNESS

Juan U. Morillo  
 475 Columbia Road, Apt. 5  
 Dorchester, MA 02125  
 Ref: 50118561/2/3

Total debt due to the United States as of May 7, 2004: \$131,898.45 (principal \$130,823.18, interest \$1,075.27, administrative costs \$0.00).

I certify that the Department of Health and Human Services records show that the debtor named above is indebted to the United States in the amount stated above, plus additional interest on the principal balance of \$130,823.18 from May 7, 2004, at the rate of 4.000%. Interest accrues on the principal amount of this debt at the rate of \$14.34 per day. Interest is computed at a variable rate and is adjusted quarterly. Due to the semi-annual compounding of interest, the current principal amount is greater than the original amount borrowed.

The claim arose in connection with a Government-insured Health Education Assistance Loan (HEAL) made by a private lender and assigned to the United States.

As a student at the New York University, you applied for and were granted the following Health Education Assistance Loans (HEAL), Section 701-720 of the Public Health Service Act (42 U.S.C. 292 f-p).

Date of Promissory Note	Amount of Promissory Note	Date Approved	Amount Approved
03/25/91	\$20,000.00	04/11/91	\$20,000.00
02/02/93	\$20,000.00	02/16/93	\$20,000.00
10/29/93	\$20,000.00	11/19/93	\$20,000.00

You signed promissory notes agreeing to repay the loans at a variable rate of interest beginning the first day of the tenth month after ceasing to be a full-time student or completing a residency program. The Student Loan Marketing Association (SLMA) purchased your notes and received an assignment.

Upon your leaving New York University, you were furnished a repayment schedule by the Student Loan Servicing Center with notification that payments were to begin April 17, 1996. You did not make any payments.

On July 9, 1997, the SLMA sent you a final demand letter to remit payment in full or your account would be filed as a default claim. You did not make any payments, nor did you respond.

Due to your failure to make payments, the SLMA filed an insurance claim on July 24, 1997, with the Department of Health and Human Services (HHS). The claim in the amount of \$88,217.00 was paid on March 25, 1998, and an assignment of the notes was received.



**PAGE 2 - CERTIFICATE OF INDEBTEDNESS - JUAN U. MORILLO**

By letter dated March 26, 1998, you were notified that the previous holder of your Health Education Assistance Loans placed you in default and assigned your notes to the United States Government. You were informed that your student loans were consolidated using the lowest interest rate allowable by law. Enclosed were instructions for entering into a repayment agreement (RA) with notice that it must be completed and returned within thirty (30) days. You did not respond.

In a letter dated August 11, 1998, you were notified of the HHS' intent to refer your HEAL debt to other Federal agencies for the purpose of administrative offset under the Debt Collection Improvement Act of 1996. You were advised that a written response, a RA, or payment in full received within sixty (60) days from the date of the letter would terminate administrative offset action. You did not respond.

On February 2, 1999, you were notified that you had sixty (60) days in which to resolve your delinquent debt. You were advised that if you were unwilling to establish a RA, your case would be immediately referred to the Office of the Inspector General (OIG) for exclusion from participation in the Medicare/Medicaid Programs. The letter also informed you that in the event you did not enter into a RA, your debt would be referred to the U.S. Department of Justice (DOJ) for enforced collection. You did not comply.

By letter dated May 3, 1999, you were notified that your account had been referred to Payco American Corporation for collection. You were advised that your account would be referred to the DOJ if you failed to either remit payment in full or enter into a RA.

On January 3, 2003, and March 2, 2004, you were notified that you had sixty (60) days in which to resolve your delinquent debt. You were advised that if you were unwilling to establish a RA, your case would be immediately referred to the OIG for exclusion from participation in the Medicare/Medicaid Programs. The letter also informed you that in the event you did not enter into a RA, your debt would be referred to the DOJ for enforced collection. You did not comply.

The following provides a breakdown of credits applied to your account:

2 Treasury Offsets	12/08/00 to 12/27/02	\$584.15
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Repeated attempts by HHS have been unsuccessful in establishing an acceptable repayment schedule for your debt. Because of your lack of cooperation the federal government is exercising its option and declaring your note due and payable. Accordingly, your debt has now been referred to the DOJ for enforced collection.

The amount due should be remitted by check, draft or money order(s) payable to the "U.S. Department of Justice" and mailed directly to the United States Attorney, District of Massachusetts, One Courthouse Way, U.S. Courthouse, Suite 9200, Boston, MA 02210.

**CERTIFICATION:** Pursuant to 28 U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct.

MAY 21 2004

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Date



Barry M. Blum  
Chief, Referral Control Section  
Debt Management Branch

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# United States District Court

DISTRICT OF \_\_\_\_\_

UNITED STATES OF AMERICA

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v.

CASE NUMBER:

JUAN U. MORILLO

04 cv 11214 PBS

TO: (Name and address of defendant)

Juan U. Morillo  
475 Columbia Road, Apt. 5  
Dorchester, MA 02125

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Christopher R. Donato  
Assistant United States Attorney  
United States Attorney's Office  
1 Courthouse Way, Suite 9200  
Boston, MA 02210

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK



6-4-04